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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER APTICLE 18 OF THE CONVENTION

Initial reports of States Parties

DENMARK

V.84-89176

PART I

re (a) - (d):

When Denmark ratified the Convention in 1983, most of the measures to be taken by States Parties in pursuance of the Convention had already been adopted in Denmark. Consequently, the ratification of the Convention has not per se been of any significance so far in connection with the introduction in Denmark of equality of men and women.

The establishment of the Equal Status Council represents the most important measure adopted at the government level to eliminate discrimination against women.

The Equal Status Council (ESC) was set up administratively in November 1975 as an agency under the Prime Minister's Office. This step was taken on the recommendation of the Commission on the Social Status of Women.

The Equal Status Council Act (No. 164) of 12 April 1978 gave statutory effect to the establishment of the ESC. This happened in conjunction with the passage of the Equal Opportunities Act (No. 161) of 12 April 1978 providing for equal access of men and women to employment, education, etc.

These two Acts, together with the Equal Pay Act (No. 32) of 4 February 1976 embody the rules of Danish law relating specifically to equal rights of men and women (see comments re Article 11, 1(a) - (d)).

The Equal Status Council Act provides that the Council shall promote equality of men and women in society, at work,

in training and education, and in family life. The Terms of Reference of the ESC, laid down by the Prime Minister, define the duties of the Council more precisely in stating that the Council shall

- follow developments in society, including legislation, and on the labour market;

- identify areas in which existing practices counteract equal status, and recommend measures to eliminate inequalities arising out of such practices;

- function as advisory organ for central and local government authorities in matters relating to equality of men and women;

- make proposals for research on equality and promote information work on questions of equality, inter alia through the medium of publications;

- give opinions - based on the provisions of the Equal Opportunities Act - in cases where exception from the Act is applied for (section 11).

On the recommendation of its Labour Market Committee, the Council makes advisory statements in connection with processing of applications for exception from application of sections 2-6 of the Equal Opportunities Act providing for promotion of equal opportunities. Measures recommended by the ESC in this respect are primarily designed to remedy de facto inequalities which affect access to employment, vocational training, etc. - the socalled positive discrimination measures.

In such matters, the competent Minister, acting in consultation with the Ministry of Labour and the Equal Status

Council, may grant exception from the Equal Opportunities Act where a person's sex is a genuine occupational qualification.

The Equal Status Council is composed of eight persons, all appointed by the Prime Minister. The chairman is selected by the Prime Minister. Of the remaining seven members, four are nominated by, respectively, the Danish Trade Union Congress, the Employers' Confederation, the Joint Council of Public Servants and Salaried Workers, and the Federation of Greenland Women Associations, and three by the National Council of Women. Appointments are for four years. Deputies are appointed for all the members.

A review of the activities of the Equal Status Council within the various spheres covered by the Convention is presented in part II.

1. re (e):

General principles of Danish law on the impact on domestic law of international conventions and other legal instruments, which are binding upon Denmark under international law.

The Danish Constitution contains no express provision with regard to the effect of a validly concluded treaty on domestic law. The legal principles governing this question are, however, quite clear.

Under Danish law provisions of a treaty, which are binding upon Denmark, are, generally speaking, not directly enforceable by Danish courts of law or by Danish administrative authorities. In case a provision of a treaty lays down a rule which is inconsistent with an express provision of a domestic statute or other rule of law the domestic rule prevails, and that rule, not the treaty provision,

must be applied by Danish law-enforcing authorities. Neither can a provision of a treaty serve as legal authority for those acts of Danish authorities, which under domestic law may be carried out only when authorized by law. Consequently any provision of an international treaty in order to be enforceable by Danish courts or administrative authorities has to be transformed into an internal law or an administrative regulation.

The traditional method in Denmark, for transforming treaties is to reformulate the treaty, or rather the part of it that needs implementation, in a statute or administrative regulation. But a treaty may also be adopted or incorporated into Danish law by statute or administrative regulation. In the latter case the text of the treaty is directly applicable in Danish law, but only to the extent specified in the domestic legal instrument concerned.

Of course, the contracting of an international obligation does not always make it necessary to pass a statute or other domestic rule of law, transforming the pertinent provisions of the treaty into internal law. This becomes necessary only to the extent that the provisions of a treaty do not conform to a pre-existing legal situation.

2. The impact on domestic Danish law of the Convention on the Elimination of All Forms of Discrimination against Women

When considering ratification by Denmark of the Convention on the Elimination of All Forms of Discrimination against Women it was found that principles and rules similar to the provisions of the Convention were to a large extent already in force in Denmark by virtue of express statutory provisions, and of general principles of Danish law.

The explanatory memorandum appended to the proposal for parliamentary consent to ratification of the Convention contained a survey of the legal situation in Denmark covered by the Convention. Against the background of principles outlined above and in accordance with ordinary practice, a general incorporation by statute of the Convention was regarded as unnecessary.

It should, however, be stressed that this, of course, does not imply that the Convention is without legal impact in Denmark. The provisions of the Convention serve as a basis, binding upon Denmark under international law, for a corresponding set of domestic rules of law. The practice generally followed by Denmark does, however, raise a question as to what legal situation is, if these corresponding rules give rise to doubts as to their proper interpretation, or if they are amended in a way which is in conflict with the underlying international obligation.

On this point a principle generally recognized in domestic legal systems comes into play, i.e.: that in the event of ambiguity the domestic rules should be interpreted in accordance with the State's international obligations.

This rule is also recognized in Danish law, but its contents and scope under Danish law have been greatly clarified during the debate on the constitutional problems related to Denmark's Accession to the European Communities. During this debate the Danish Ministry of Justice prepared a memorandum regarding these problems, which was submitted to Parliament in the summer of 1972. The first part of this memorandum contains a survey of Danish law on the implementation of treaties.

In this survey reference is made to recent Danish legal literature, where it is maintained that the law-enforcing

authorities, when in doubt about the interpretation of a legal provision, should prefer the interpretation that will best comply with existing treaty obligations. This is known as the rule of interpretation.

In these writings it is further maintained that in the absence of any special indications to the contrary a conflict between a treaty provision that has previously been observed in Denmark, and a provision in legislation enacted later, should be solved by applying the new provision in a manner that will respect the treaty provision, even if the tenor of the new provision is clearly at variance with the treaty. This is known as the rule of presumption: The court should "presume" that it has not been the intention of Parliament to pass legislation contrary to Denmark's international obligations. These views are fully upheld in the memorandum from the Ministry of Justice, where the conclusion of the survey on this point reads as follows:-

> " ... In the Ministry's view, Danish law courts would in all probability prefer a more ad hoc application of a law to a literal interpretation if the latter would make the State of Denmark responsible under international law for an unintentional violation of a treaty."

This extensive formulation of the rule of interpretation was not only accepted by the Danish Government when evaluating the questions of constitutional law raised in regard to the Danish entry into the European Communities; it has also been relied upon by the Danish Government in other contexts, e.g. the bi-annual report submitted to the Committee on the Elimination of Racial Discrimination under Art. 9 of the international Convention on the Elimination of All Forms of Racial Discrimination.

In the present context one aspect of the widening of the rule of interpretation is particularly worth noting, i.e.

its consequences for the exercise of discretionary powers by administrative authorities. On this point the memorandum from the Ministry of Justice states that administrative authorities should exercise discretionary powers in such a way that the administrative acts - be it decisions or general regulations - conform to validly contracted international obligations. This should be regarded as a legal obligation, enforceable by judicial review under Art. 63 of the Danish Constitution.

Part II.

re Article 1. No comments.

re Article 2. The Constitution, of 1953, contains no provisions dealing specifically with equality of men and women, but it embodies the principle of equal treatment of men and women. In public administration, the principle of equality, including equal treatment of men and women, is also applied as a fundamental rule.

re (a) - (c). As mentioned in the introduction, special provisions relating to equality have been laid down by law in, respectively, the Equal Pay Act of 1976 and the Equal Opportunities Act of 1978.

Under the Equal Pay Act men and women performing the same work at the same workplace for the same employer are entitled to equal pay. Employees cannot waive their right to equal pay by agreement with the employer. Employees who are not paid at the same rate as colleagues performing the same work are entitled to claim the difference.

In the case of employees covered by collective agreements claims for equal pay are settled by industrial tribunals, whereas claims of employees who are not covered by collective agreements are settled by law courts.

Employees who are dismissed for claiming equal pay are entitled to compensation from the employer equal to six months' pay. In the calculation of compensation account is taken of the employee's length of service and other relevant facts.

The Equal Opportunities Act provides that men and women shall have the same access to employment and education. An employer must not treat men and women differently at the same workplace because of their sex. This applies to recruitment, promotion, on-job training, courses, etc., transfers, general working conditions, and dismissal. For example, it is unlawful for an employer to dismiss a woman because she is pregnant or refuse to employ a man because of his sex.

With regard to dismissal on the ground of age, the Act requires the same age-limit to be applied to both men and women. However, the Act does not deal with the question of pension amounts or other superannuation matters.

Finally, the Act provides that men and women shall have the same opportunities to attend vocational courses and to work as self-employed persons. It is an essential precondition for enforcement of the provisions of the Equal Opportunities Act that advertisements for jobs contain no reference to sex, except where a person's sex is a genuine occupational qualification, such as acting.

The Act does not permit waiver of equal opportunity rights, and agreements violating the law are null and void. This applies also to agreements entered into prior to the entry into force of the Equal Opportunities Act.

If an employer infringes the law, the employee's remedy - as in the case of infringement of the Equal Pay Act - is either to notify the relevant trade union which may then refer the matter to an industrial tribunal, or to contact a lawyer who may bring the matter before a court. The employer can be fined for violating the law and may be ordered to pay compensation to the employee.

Exception from observing the provisions of the Act may be granted within narrow, specified limits, e.g. to enable special steps to be taken, such as schemes under which one sex is given preference over the other with a view to promoting equality.

re (d). On 10 November 1982, the Government decided to encourage efforts to increase the representation of women on public councils, boards and committees.

Upon the Government's recommendation, the Prime Minister's Office, the Equal Status Council and the relevant Ministries are seeking, in collaboration, to devise an agreement covering

- a description of goals to be attained, e.g. distribution according to sex of seats on existing or new ministerial committees, combined with a realistic time schedule for reaching that goal;

- a plan of methods by which the goal can be reached. Methods may vary; they may be applied separately or in combination. Examples: parallel nomination of one woman and one man for each seat on a committee (a method used e.g. in Sweden); a wider definition of requirements as to competence and terms of reference; training of a larger number of women staff in committee work; a quota system (applied e.g. in Norway); improvement of the opportunities of women for education and promotion in general;

- a duty to submit progress reports on a continual basis - e.g. in the form of brief annual reports to the Prime Minister's Office/the Equal Status Council.

Once an arrangement as outlined above has been agreed upon, it will be up to the individual ministries them-

selves to monitor and promote developments towards equality in such manner as they deem appropriate. An organization which deals specifically with questions of equality will, as a normal rule, be keenly aware that achievement of equality requires more than just formal control and allocation of quotas. The fact that the problem is dealt with at organizational level and in long term perspective may help bring about a stable and carefully planned development within the various ministries and agencies.

Parallel to the agreements with ministries, the Equal Status Council will support efforts of interest organizations to achieve growing representation of women members and public employees on public committees.

re (e). The Equal Status Council, as will be seen from the above description of its functions, is making active efforts in all spheres to prevent discrimination against women.

This applies not least to legislation, but also with regard to discrimination on the part of individuals, organizations and the business community.

re (f). The Marketing of Goods Act (Act No. 297 of 14 June 1947) contains no provisions dealing specifically with sex discrimination. But since the office of Consumer Affairs Ombudsman was established in 1975 the Ombudsman has received a considerable number of communications from various quarters concerning discriminatory advertisements. (It is incumbent on the Consumer Affairs Ombudsman to see - on his own initiative or on the basis of complaints or communications from others - that fair marketing practices are observed or that provisions laid down in the Marketing of Goods Act are not violated). In 1977, the Consumer Affairs Ombudsman set up a working group which, to assist

him in appraisals of that type of advertisements, was given the task to "define the concept of discriminatory advertising and, in the light thereof, to examine the problems involved in such advertising, seen especially from the legal aspect."

A report on discriminatory advertising submitted by the working group in January 1979 contains the following conclusion:

> "After reviewing the question whether discriminatory advertising is in conflict with existing law, we have come to the conclusion that, out of consideration for social interests in general and/or for women as a population group, action may be taken against discriminatory advertising where an advertisement contains
>
> (a) pictures or statements which reduce a woman to being merely a sex object and/or comparable to a commodity or object;
>
> (b) statements which explicitly allege or clearly intimate that the social, economic or cultural role of women is inferior to that of men, or that women are less adept, less intelligent or less suitable for jobs in which a person's sex is not a genuine physical determinant;
>
> (c) statements which in an indecent manner explicitly allege or clearly intimate that women, by virtue of their sex, have special personal characteristics or properties.
>
> On the other hand, there is no authority under the Marketing of Goods Act to take action against advertisements containing pictures or statements which reflect

the socalled traditional sex role pattern or a traditional concept of the female sex and thus contribute to an advertising pattern which conceivably could be in conflict with social attitudes and efforts to gain recognition of the equal worth and equal rights of men and women and equal opportunities for both sexes to fulfil themselves.

With regard to advertisements for books, magazines, films, and the like, with discriminatory content the authority for intervention under the Marketing of Goods Act must be considered to be further restricted, partly because of the need in such advertising to present a reasonably exhaustive description of products which it is lawful to sell, and partly because certain advertisements for films and pornography are likely to be accepted as permissible to a wider extent than was previously the case".

The terms of reference of the Consumer Council contains no special objects clause taking special account of the role of women in the consumer field. But the Council cannot, of course, ignore this question where specific problems come up for consideration.

Formally, present Danish legislation is phrased in neutral terms as far as sex is concerned. The Consumer Council is endeavouring to achieve de facto equality of men and women in consumer law. The effects of consumer law provisions vary with a person's social status, labour market position, etc. And since women generally are in a weaker position than men, discrimination against women still occurs in a number of fields in present-day Denmark.

In connection with its efforts to have instruction on consumer questions incorporated in school curricula, the

Council has attached importance to integration of such instruction into as many subjects as possible, and not only into subjects such as domestic science and needlework which traditionally are chosen predominantly by girls.

Over the years, the Consumer Council has worked for restriction of discriminatory advertising. The Consumer Council has also dealt with products and services used only by women, such as contraceptive pills, sanitary towels and tampons, examinations for cervical cancer and products primarily of concern to women, such as substitutions for mother's milk.

re (g). The Danish Penal Code contains no discriminatory provisions.

re Article 3. Women are guaranteed enjoyment of human rights, including the freedoms mentioned specifically in the Constitution, on the basis of full equality with men.

re Article 4.

1. Pursuant to section 11, subsection (2) of the Equal Opportunities Act, exemption from discrimination between men and women may be granted where conducive to promoting equal opportunities, especially with regard to vocational training and employment. After consultation with the Equal Status Council the Minister of Labour may grant exception from compliance with the requirements of the Act. In the 5½ years since the Act entered into force, the Equal Status Council has dealt with some 30 cases of this kind.

The cases in which exception may be granted fall into two main categories, viz. vocationally-targeted projects and

day courses provided by folk high schools. Among the projects were a few programmes for long-term unemployed women. They received practical training in various trades and obtained jobs. The experience of being able to cope with work traditionally performed by men encouraged many of the women to re-enter the labour market. They felt that between them they could manage even tasks which they had found difficult.

Some basic courses preparing women for technical and vocational training have also been very successful. They inspired many of the participants to undergo further training for jobs which hitherto have mainly attracted men.

The day courses provided for women by folk high schools were organized in recognition of the fact that some unemployed women need special training prior to undergoing vocational training or entering the labour market. Besides providing instruction in practical skills, combined with some theory, the courses aim at making the women more self-confident and giving them a better knowledge of society and its functions. The Equal Status Council is of the opinion that it will be an advantage for job-seeking women to have attended a course of this particular type.

2. Protection of maternity is provided for by law under the

Maternity Leave Act
(Act No. 63 of 21 February 1984)

the text of which is as follows:

1. (1). A female employee shall be entitled on the grounds of pregnancy and confinement to be absent from work from 4 weeks before the expected time of confinement and until 14 weeks after the confinement. After the confinement, the

parents shall be entitled to absence from work for a total of 24 weeks of which the father may take 10 weeks from the 14th week after the confinement. The right to absence from work may only be used by one parent at a time.

(2). Independently of the entitlement to absence from work pursuant to subsection (1) the father of the child shall be entitled to absence from work for up to two weeks after the confinement or the child's reception in the home.

(3). Furthermore, an employee shall be entitled to absence from work because of pregnancy, confinement and adoption during any periods where the employee is entitled to daily cash benefits under Part 12 of the Daily Cash Benefits Sickness or Confinement Act.

2. Any period for which an employee has been absent from work under the provisions of section 1 shall be included in the calculation of the employee's seniority of service. This provision shall not apply to pension rights.

3. An employer may not dismiss an employee for invoking the right to absence from work or for having been absent from work under the provisions of section 1 or otherwise on account of pregnancy, confinement or adoption.

4. (1). A female employee who avails herself of the right to be absent from work in pursuance of subsection (1) of section 1 shall within 8 weeks after confinement notify her employer of when she will resume work.

(2). A male employee who avails himself of the right in pursuance of subsection (2) of section 1 to be absent from work when the confinement takes place or the child is received in the home shall 4 weeks in advance notify his employer of the date from which he anticipates to be absent and for how long.

(3). A male employee who avails himself of the right to be absent from work in pursuance of subsection (1) of section 1 shall not later than 8 weeks after the confinement notify his employer of the date from which he will be absent from work and for how long.

(4). If the right to be absent from work after the 14th week from the confinement is shared between the parents in such manner that the female employee's absence is split up into several periods it shall be incumbent on her, when giving notice to the employer under section 1, to state the first and the last dates of subsequent periods of absence.

(5). In the event of absence under subsection (3) of section 1, it shall be incumbent on prospective adoptants, where the time and duration of the period of leave had not been fixed when the child was received in the home, to observe the time-limits prescribed in subsections (1)-(4) of this section.

(6). A female employee who avails herself of the right of absence pursuant to subsection (3) of section 1 on the ground that the child because of being born prematurely or underweight has to remain in hospital for some time after birth, shall notify the employer thereof within 2 weeks after the confinement. In that event the time-limits prescribed in sections 1, 3 and 4 shall be extended by the period of the child's hospitalization and notice given in pursuance of section 2 shall lapse and be replaced by a fresh time-limit of 2 weeks. Furthermore, the parents shall within 1 week after the child was received in the home notify their employers of the date of reception.

5. The provisions of this Act may not be set aside at the disadvantage of the employee.

6. (1). If an employer dismisses an employee in contravention of section 3 he shall be liable to pay compensation to the employee.

(2). In fixing the amount of compensation, which may not exceed 26 weeks' pay, regard shall be had to length of service and any other relevant circumstances.

7. (1). The provisions of this Act shall apply where confinement took place or the child was received in the home on or after 1 July 1984.

(2). The Act shall not, however, be fully operative until 1 July 1985, seeing that the "24 weeks" and "10 weeks" referred to in subsection (1) of section 1 shall be "20 weeks" and "6 weeks", respectively, during the period from 1 July 1984 to 1 July 1985.

re Article 5

re (a). An important element in the work of the Equal Status Council is to draw attention to all existing discriminatory patterns of conduct and to try to modify these patterns through elimination of prejudices. In this context the media play a major role because their entertainment programmes, articles, illustrations, and choice of news reflect virtually all aspects of the conduct of human beings and not least in men-women relationships. So far the media have failed to present a satisfactory picture of the progress which women have achieved over the past 20 years. The Equal Status Council is therefore making continuous efforts to rectify this lack, inter alia by publishing its own information material in the form of brochures, newsletters, etc.

Since 1981, 14 equality consultants have been attached to labour exchanges. Their work is coordinated by the Directorate of Labour.

The principal duties of the equality consultants are to

- ensure that all work of public labour exchanges is based on the principle of equal treatment of men and women. This means that the consultants shall provide information, guidance and instruction to labour exchange staff in matters of equality;

- develop methods of information and guidance aimed at changing traditional attitudes and concepts with regard to the qualifications and opportunities of men and women on the labour market. This work shall be directed towards management and labour as well as teachers, advisers and others having influence on young people's choice of education and training;

- assist in developing experiments and building up experience to show the performance of men and women, respectively, in untraditional types of education/ training and occupation;

- assist in developing and assessing experiments in fields of education/training and occupation based on the principle of equal treatment of men and women.

In 1983, the principal objectives pursued were to

- change young women's attitude to choice of education/ training and, by means of courses, preparing them for admission to polytechnics and, through dissemination of information to teachers and parents as well as to management and labour on the future opportunities of women, to change the views of these groups on female labour;

- change the views of pupils of primary and lower secondary schools on their own education and employment op-

portunities by alerting them to the large variety and the less traditional forms of education/training available;

- enhance the knowledge of labour exchange staff of women's education/training and employment opportunities. This has been done in the form of study groups, written information etc.

These efforts in promotion of equality have made women more interested in education and training in untraditional fields, and engendered among educational institutions, consultant groups and labour exchange staff a growing recognition of the need for active efforts. Moreover, management and labour have become more aware that guidance and training should be organized to meet women's wishes and background. Long-term efforts such as those made by labour exchanges, with the equality consultants as prime initiators, should help to ensure that women are trained for the labour market of the future - efforts which require a decisive breakaway from the existing patterns of men's and women's choice of education and training.

In addition to the work described above, the equality consultants attached to labour exchanges, and the coordinators in the Directorate of Labour engage in comprehensive information work and lecturing activities. This work, which helps to lay a foundation for modification in the long term of the traditional ideas of the roles of men and women in society, is based on concrete labour exchange experience and proposals for active efforts from all institutions and authorities involved.

Family education is not included as a specific subject in the context of the sex education provided at all levels

in Danish schools. But several evening schools provide courses on prenatal care and parents' roles which both men and women are encouraged to attend.

In primary and lower secondary school education, domestic science and needlework are obligatory subjects for both girls and boys in order to make it natural that the responsibility for housekeeping and upbringing of children should be more evenly shared between the sexes.

re Article 6

Under the Penal Code it is a punishable offence to tempt any person into prostitution and to live on the earnings of prostitution. Recent years have seen no instances of exploitation of prostitution of women of such a nature and to such an extent that need has arisen for taking further measures to suppress this form of exploitation.

re Article 7

(a) Women enjoy the same political rights as men. Danish women have had the right to vote and been eligible for election in local government elections since 1908 and in parliamentary elections and referenda since 1915.

re (b). In the capacity of members of government and parliament, women participate in the formulation of government policy - but not yet to a satisfactory extent; see the comments re Article 2 (d).

In Danish defence, the provisions of sections 2-6 of the Equal Opportunities Act are, until further notice, derogated from to some extent because female military personnel is not employed in positions within the Armed Services and the Home Guard which could involve direct participation in military operations.

It should be noted, however, that in 1981, the Navy introduced an experimental arrangement for service afloat of female personnel. In 1984, experimental arrangements were made for incorporation of female personnel in combat or combat-support units of the Army and the Air Force.

Women are not subject to conscription (section 81 of the Constitution and the National Military Service Act (No. 213) of 30 May 1980).

re (c). Freedom of association is guaranteed under section 78 of the Constitution which, like all other constitutional provisions, applies equally to men and women. Women participate to a very large extent in the activities of non-governmental organizations.

re Article 8. Formally, women have the opportunity, on equal terms with men, to represent the Government at the international level, and women are, in fact, serving in that capacity, although on a minor scale. Women are not, however, assigned for service in military contingents by which Denmark contributes to United Nations peacekeeping operations. Nor are women represented on United Nations military observer corps. For both types of United Nations missions, direct involvement in military operations cannot be ruled out (see comments re Article 7 (b).).

re Article 9

re 1: Under the Danish Nationality Act (Act No. 155) of 6 April 1978 and Ministry of the Interior Circular of 1 June 1983 on naturalization, women have equal rights with men to acquire, change or retain their nationality, except that women married to Danish nationals are favoured with respect to naturalization. The relevant provision will, however, cease to be applicable at the end of the parliamentary session 1985/86.

Marriage to a foreigner or a husband's change of nationality during marriage does not automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

re 2: Under the abovementioned Act women have equal rights with men as regards the nationality of their children, always provided that children born out of wedlock acquire Danish nationality at birth only if the mother is Danish. This inequality is accounted for by the fact that the custody of such children is vested in the mother.

re Article 10

re (a) - (h):

Formally, boys and girls, men and women have for several generations enjoyed equal rights to and equal opportunities for education, training and vocational guidance; and women have access, on equal terms with men, to grants and loans from the National Education Fund. But marked discrepancies in the levels of education of men and women remain in evidence.

The past 15-20 years have seen a general extension for both sexes of the period of school attendance. This is accounted for partly by the extension, as from 1972, of the period of compulsory education from 7 to 9 years, and partly by the higher level of school education required for admission to post-school education and training.

In spite of the extension of the period of compulsory education, there are still discrepancies with regard to the period for which boys and girls attend school and the qualifications they have attained when leaving school. Girls attend school longer than boys. They outnumber boys

in leaving school after passing an examination. And they account for over 50 per cent of those leaving school with a certificate qualifying for admission to post-school education and training.

Girls leave school with other qualifications than boys because they preferably choose subjects and streams within the traditional pattern of sex roles. The foundation of choice of occupation is laid as early as during school attendance.

The level of school education plays an essential role as to what type of further education male and female school-leavers select. The past 15-20 years have seen a steep growth in enrolment by both men and women for post-school education and training.

As for post-school education, women preferably choose medium-term courses, which is surprising because they generally have a better school background than men.

Women's choice of post-school education or training falls within very narrow limits. Many of the short-term courses provided conform closely to labour market requirements and to sex-determined traditions and distinctions between men's and women's jobs. These factors have marked effects on the pattern of enrolment for post-school education and training. Important to note in this context is that the drop-out rate is higher for women than for men.

The residual group, i.e. the group of men and women who receive no post-school education or training, appears to be shrinking. However, women account for a larger proportion than men in this group in spite of their better school background, partly due to higher drop-out rates for women.

Numerous factors influence the dissimilar choices of men and women with regard to occupation and type of job. Sex-linked traditions which influence the expectations of boys and girls as to their future roles in society are being perpetuated by the young persons themselves and their parents, at school, at work, and among those providing school and vocational guidance.

The school plays an essential role in the development of children's notions of the different roles and tasks of men and women in society. Here the influence comes not only from teachers and school mates but in at least equally measure from the content of teaching and the means and methods used in teaching.

The Equal Status Council plays an essential role in the development of sex equality in the educational system. The Council finds it of paramount importance that instruction in sex role problems should start at the earliest possible stage of education and that this process of learning should continue and be integrated into teaching throughout school life.

Girls and women have equal opportunities in technical and vocational education and training, but to a wide extent they do not take advantage of this. The Equal Status Council sees it as one of its most important tasks to make women avail themselves of these opportunities, and the Council promotes this point of view whenever and wherever possible.

In 1981, 14 equality consultants were appointed to serve in each of the 14 regional employment services under the Directorate of Labour which is an agency under the Ministry of Labour. The equality consultants were appointed to improve women's employment opportunities.

A precondition for establishing activities and programmes to change the pattern of the sex-specific choice of education and employment will be to eliminate the prejudice against girls' suitability for certain disciplines and to bring about closer cooperation among the vocational training school counsellors, the equality consultants, and the primary and lower secondary school counsellors, in an attempt to encourage girls to choose an untraditional education.

Another machinery dealing with the abovementioned remaining sex-linked discrepancies in the Danish educational system is the Committee on Sex Roles and Education. The Committee was set up by the Ministry of Education in consultation with the Equal Status Council in 1976, and was given the following terms of reference:

It is the task of the Committee, in the light of its own and other investigations to review the problems of equality and sex roles, and on the basis thereof to take the initiative for further enquiry and propose measures to promote equality in the educational system.

With effect from January 1984 the Committee's functions as adviser to the Ministry and the educational councils were taken over by the Equal Status Council, partly in co-operation with the Division of the Ministry of Education for Special Measures to Combat Unemployment.

Special action to further education and employment of women

As stated above, Danish women generally take less advantage than men of their opportunities in areas of education and employment. However, under the Equal Opportunities Act, affirmative action may now be taken to correct that imbalance.

In many sectors of the educational system affirmative action programmes have been introduced on an experimental basis, and a number of measures have been initiated to break down the traditional sex-role patterns in education and training:

- A Way to Equality - Affirmative Action. Two reports: Facts for Further Discussion and Action to be taken; Documentation of Developments in the 1970s. These reports, published by the Committee on Sex Roles and Education, are designed - through information and proposals for affirmative action - to point to measures which would help promote equality in the educational system and on the labour market and, in turn, access of women to non-traditional areas of employment and participation of women in the decision-making process. The reports have created better understanding of the need for affirmative action and a more open public debate on this question.

- The Committee on Sex Roles and Education and primary and lower secondary school counsellors have published a strip cartoon Where Do You Go From Here? The strip serves as a basis for discussion with special emphasis on the particular problems of girls who traditionally choose careers with limited perspectives and high unemployment rates. The aim is to promote career counselling that encourages young women to choose non-traditional educations and jobs and thus to prevent unemployment among young women. This approach has resulted in a more open discussion in schools and among pupils, teachers, counsellors and parents and made them more aware of the particular problems of girls choosing traditional careers.

- The Committee on Sex Roles and Education, in collaboration with the counsellors of upper secondary schools,

have published a booklet entitled Maths ... for Girls, too! The booklet provides professional guidance for female students in the mathematics lines of upper secondary schools to encourage them to pursue university studies of mathematics that would qualify them for access to non-traditional areas of employment.

- As an experiment, lower secondary school counsellors and vocational school counsellors have jointly organized classes for girls only in the framework of the introductory courses provided by the vocational centres for pupils in forms 8-10. The aim of the experiment is - through informing the girls of opportunities in technical sciences and crafts and enabling them to test and discover their ability to use tools and handle jobs which are normally considered to be reserved for boys - to increase the percentage of female attendance of courses qualifying for jobs as technicians or artisans and thus promote the access of women to untraditional areas of occupation and employment.

- As an experiment, technical schools have reserved 5 per cent of their training capacity for girls with the aim of increasing the percentage of females in basic vocational education for jobs in iron and metal industries and thus promote the access of women to non-traditional areas of employment.

- Local authorities have introduced vocational guidance and motivation courses for young unemployed women faced with particular problems in choosing education or job. The aim of these activities is - through strengthening the self-confidence of the participants and expanding their sphere of interests to cover also traditionally male-dominated areas - to combat unemployment among young women through career counselling and

training also in non-traditional pursuits so as to promote equal opportunities in the educational system and on the labour market.

- In an effort to combat unemployment, vocational training centres have established introductory courses for young unemployed women to motivate and enable them to enter non-traditional training areas and jobs.

- Local authorities and adult education associations provide teaching in general subjects such as Danish, arithmetic and social science at basic courses in day high schools for long-term unemployed women with a weak educational background, and career counselling and training in practical craft skills for young women - with the dual aim of improving the opportunities of women in education and working life and combating unemployment among women.

- In the framework of day high school education, local authorities and adult education associations with state subsidies organize introductory courses for migrant women on subjects such as arithmetic and social science i.e. economics, hygiene, nutrition, Danish taught as a foreign language. In addition, instruction is given in practical craft skills. The aim of this project is to combat unemployment among young migrant women.

Until 1972, enrolment in sea-training schools and admission to training vessels were reserved for young men. Since 1984, women have been eligible for enrolment in sea training schools on equal terms with men.

Since 1981, women have been admitted for training in the training vessel GEORG STAGE and, since July 1983, in the State-run training ship DANMARK. Selection of trainees is based solely on qualifications.

Enrolment in schools of navigation is open to all applicants who meet the statutory requirements as to competence, but few women apply for admission.

The number of places available in sea training schools and training vessels is limited. There are fairly many women applicants, but their number is considerably lower than for men. The percentage of women admitted corresponds roughly to the percentage of women applicants.

With the restrictions following from the comments re Article 7, attendance of schools and courses for military personnel is open to both men and women. As a case in point can be mentioned that some female officers serving in the defence forces are military academy graduates.

Since 1973, free and discreet advice on family planning has been provided by general practitioners and special county clinics. The first time a woman visits a general practitioner after having given birth, the general practitioner shall inform her that such advice is available. All schools provide sex education. All children are entitled to eight health examinations from birth to the age of 6. Denmark has a school health service under which a comprehensive examination is made at the time of entry. Furthermore, the school doctor examines children who may have a special need. Both at the examination of children below school age and at the examination made by the school doctor the parents are requested to attend so that they get an opportunity to receive advice on health matters.

The Ministry of the Interior grants an annual amount for activities in connection with sex education.

re Article 11

1(a) - (d)

Equality of men and women in the field of employment was introduced in Denmark on 1 July 1978 by the Equal Opportunities Act (Act No. 161) of 12 April 1978.

Under the Act, which is based on an EC Directive of 1975, it is unlawful for an employer to discriminate between men and women in the same workplace. This applies to employment, promotion, transfer, access to vocational guidance, vocational training and retraining, all other conditions of service, and dismissal. It is thus unlawful for an employer to dismiss a woman on the ground of pregnancy or refuse to employ a man on the ground of his sex.

In this connection it should be noted that parliament has before it a Bill under which applicability of the principle of equal treatment shall no longer be restricted to employment at the same workplace.

The Act does not apply where an obligation to non-discrimination comparable to that prescribed by law has been provided for by agreement, which means that the Act is subsidiary.

As a precondition for de facto equality the Act provides that all advertising for jobs and vocational training shall be sex-neutral.

Violations of the Act may be brought before a court. Violations of agreements on equality shall be referred to labour tribunals.

In addition to being fined for violating the Act, an employer may be sentenced to pay compensation to the employee.

The Act provides that exception from equality may be granted where a person's sex is a genuine occupational qualification. Under this provision time-limited exception has been granted for certain types of service in Danish defence. Time-limited exception has likewise been granted to a large Danish commercial firm with subsidiaries abroad on the condition that the firm employs a small number of women during the period covered by the exception.

The Act furthermore allows for granting exception, each case being treated on its merits, with a view to promoting equal oppportunities for men and women, notably by eliminating de facto inequalities which affect the right to employment, vocational training, etc. This provision has been applied, inter alia, with regard to courses for unemployed women and to give preferential access for young women to vocational training in fields which traditionally have been dominated by men. Finally, general exception has been granted to launch special job creating projects for women or to give women preferential access to some projects designed to remedy the proportionally higher rate of unemployment among women.

The Equal Pay Act (Act No. 32) of 4 February 1976 is based on an EC Directive of 1975.

The Equal Pay Act provides that any employer who employs men and women at the same workplace shall pay them at the same rate for the same work unless he has not already undertaken an obligation to that effect under a collective agreement. This provision applies to employers in both the private and the public sector, and the term "same work" covers both identical work functions and work of the same value.

An employee who, in conflict with the law, is paid less than other employees, has a claim to being paid the difference. If an employee is dismissed for claiming equal pay the employer shall pay compensation to the employee in an amount not exceeding 26 weeks' pay.

The Equal Pay Act provides that where the right to equal pay is accorded by agreement, claims for equal pay shall be dealt with in the manner customary for claims under agreements, i.e. by industrial courts. The Act is thus subsidiary to agreements providing for equal pay.

re (e). Since Denmark ratified the Convention, legislation relating to pensions has been amended on some points, inter alia to ensure equality of men and women.

A new National Pensions Act (Act No. 436) of 9 September 1983, and a new Invalidity and Early Retirement Pensions Act (Act No. 437) of 9 September 1983, entered into force on 1 January 1984. These Acts abolished the reverse discrimination against women in the form of pensions for which only widows in certain categories and non-married women were eligible. However, both Acts still contain a provision which is especially favourable for women, viz. that Danish nationality is a requirement for the right to pension does not apply to women who are or were most recently married to Danish nationals. (A Bill to abolish this provision has been tabled on the motivation that all rules relating to sex discrimination, including rules in favour of women, should be abolished).

The right of persons in active employment to social benefits in case of sickness is accorded under the Daily Benefits (Sickness and Confinement) Act (Act No. 425) of 5 September 1973. The Act makes no distinction between men and women. Daily benefits are paid in compensation for

loss of income in case of incapacity for work due to sickness or confinement. Employees who at the time of onset of disease had been in the employ of an employer for at least 40 hours within the last preceding 4 weeks is entitled to be paid daily benefits from the employer as from the second full day of absence from work. Daily benefits are then paid by the employer for up to 13 weeks reckoned from the first full day of absence. Thereafter the obligation to pay benefits lies with the relevant local government.

Daily benefits represent 90 per cent of the income, always provided that these benefits may not exceed a maximum amount fixed for six months at a time.

With regard to the right to other social benefits, inter alia in the case of unemployment, early retirement and sickness not covered by daily benefits, it should be noted that the Social Assistance Act (Act No. 356) of 19 July 1983 makes no distinction between women and men. Assistance under the Social Assistance Act is thus provided regardless of the applicant's sex. Women who are not Danish nationals but married to Danish nationals are, however, (pursuant to section 3) accorded easier access to permanent assistance than men who are not Danish nationals.

Unemployment benefits and early retirement pensions are paid at earnings-related rates. In some cases women are, however, in a poorer financial position than men because many typical women's jobs are low-paid and because part-time jobs are predominantly held by women.

The Holiday with Pay Act (Act No. 357) of 2 July 1981 covers all employees, regardless of sex.

re (f). Findings of recent research work show that external factors in the working environment may affect the reproductive powers of men and women and the health and viability of foetuses and children. Part of the research work consisted in observations of infertility, reduced fertility, miscarriages, premature birth, malformations, congenital diseases and early occurrence of disease in children of parents having been exposed to the action of environmental factors. Another part of the research work consisted of experiments with animals and inferior organisms. The findings led, with some reservations, to the conclusion that there is a hazard of occurrence in man of harmful effects like those seen in the experiments. The Danish Board of Health has therefore compiled a register of malformations as an instrument for early detection of the action of such factors inside and outside the working environment. Some of the mechanisms responsible for the detrimental effects observed remain unidentified. A complete list of harmful effects can therefore not be compiled. However, cases in point are infectious diseases (e.g. rabbit fever) (cytomegalovirus infection), effects of ionizing radiation, e.g. x-rays, exposure to high temperatures and certain chemical substances, e.g. styrene and lead. There is reason to fear that the action of certain factors produce genetic impairment that will have severe repercussions on future generations.

To ensure that these problems can be tackled with the greatest possible expertise and within a uniform frame of references, the National Food Institute has recently set up a working group whose membership is composed of representatives of various research institutions and agencies, among them the Working Environment Institute of the Labour Inspection Service.

By amendment of section 33 (4) of the Daily Benefits (Sickness and Confinement) Act (Social Security Board

Circular of 25 September 1980) women who during pregnancy are exposed to harmful effects in the types of work they perform, have obtained a right to daily benefits over a more extensive period. The Act is administered by local social security boards whose decisions are often taken in the light of information provided by the Labour Inspection Service concerning the Woman's exposure to harmful effects and an assessment of the risk of an abnormal outcome of pregnancy.

In the fixing of hygienic threshold values for substances and materials used at workplaces, very little account can be taken of potential effects on reproductive power, since knowledge thereof is greatly limited.

re 2. (a) and (b)

See comments re Article 4.2.

re 2 (c)

A number of supporting social services for parents have been introduced by law. Under the Child Benefits and other Family Allowances Act, benefits for children are paid to parents and single supporters. Parents whose incomes are below specified limits are paid the standard allowance, at present Dkr. 573 per quarter per child under age 16. Single supporters are paid - also within specified income brackets - an increased allowance in lieu of the standard allowance, at present Dkr. 859 per quarter per child, plus one extra allowance of Dkr. 657 per quarter. In addition, a special allowance of Dkr. 1,620 per quarter is payable in certain circumstances. Young people aged 16 and 17 are paid a youth allowance. The maximum amount payable under this scheme is, for 1983, Dkr. 9,000 per annum, and is related to household earnings and the young person's own earnings.

As for child-care facilities, the Social Assistance Act provides that local government boards shall see that the necessary number of places is available in day institutions for children and young people, including socio-educational recreational facilities. In pursuance of this provision day institutions have been established in all local government districts, either by the local authorities themselves or by self-governing institutions under contract with the local authorities. Expansion has been halted in recent years because of the economic recession.

re 2. (d)

Reference is made to the comments re Article 11.1(f), more precisely the comments re the advisory functions of the Labour Inspection Service under section 33(4) of the Daily Benefits Act. Supplementarily, it should be noted that so far the provision has mainly been applied with respect to women exposed to action of chemical substances, including organic solvents.

re 3

Danish protective legislation relating to matters covered by Article 11 applies to all employees irrespective of sex.

As regards the need for periodic revision of protective legislation it should be mentioned that the Labour Inspection Service has set up a working group to describe accessible documentation on substances and materials having harmful effects on the function of reproduction.

re Article 12

re 1

Men and women have equal access to health care services, including those related to family planning.

re 2

Services in connection with pregnancy (preventive examinations) confinement (in hospitals, clinics or in the home) are free. And free post-natal services are provided by midwives and infant health nurses. During a period before and after confinement the mother is entitled to maternity leave and daily cash benefits.

re Article 13

re (a)

The Child Benefit and other Family Allowances Act (Act No. 609) of 29 November 1978 makes no distinction between men and women except laying down explicitly that child benefit shall, as a principal rule, be paid to the mother.

It should be added that where under family law a parent who does not live together with the child is liable to pay maintenance. The standard amount may be paid in advance out of public funds. Men pay a higher standard amount than women (which means that mothers who do not live together with their children pay less than the fathers do).

re (b)

Under the Tax Equality of Spouses Act (Act No. 227) of 26 May 1982, men and women are treated on equal terms with respect to taxation.

re (c)

See comments re Article 11.1.(e).

re Article 15

In Danish law, women and men have the same legal capacity with respect to administration of property.

re Article 16

Equality of spouses is a fundamental principle in Danish legislation relating to formation and dissolution of marriage. It is expressly provided that husband and wife shall support each other and jointly safeguard the interests of the family.

The marrying age is the same for men and women, and men and women generally have the same rights and duties during marriage and at dissolution of marriage.

In relation to the children, spouses have the same rights and responsibilities, also with respect to custody and guardianship of their joint children. If the parents are not married, custody and guardianship are vested solely in the mother. With regard to support, succession and other rights and duties parents, regardless of their marital status, have the same rights and duties in relation to the children.

With the object of providing equality of men and women and between legitimate and illegitimate children with respect to the use of family names a new Names Act (Act No. 193) of 29 April 1981 was passed in 1981.

Under previous legislation the husband was taken to play the principal role in marriage. On marriage, the woman acquired the husband's family name unless she declared that she wanted to retain her maiden name. Children of the marriage acquired the father's family name. Under the new Act husband and wife retain their own names on marriage unless one of them, with the consent of the other spouse declares that he/she wants to bear the other spouse's name. Children acquire the parents' surname at birth if the spouses use the same surname. If they do not, they are free to choose whether the child shall bear the father's or the mother's name. If the parents make no such choice within 6 months after the child's birth, the child acquired the mother's surname regardless of whether the parents are married or not.

Both men and women have the right to be sterilized after attaining the age of 25.